

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Freda L. Wolfson  
: :  
v. : Criminal No. 09-385  
: :  
DAVE SILVESTER PIERRE : CONTINUANCE ORDER  
a/k/a "David S. Pierre"

This matter having come before the Court on the joint application of Paul Fishman, United States Attorney for the District of New Jersey (by Harvey Bartle, IV, Assistant United States Attorney), and defendant Dave Sylvester Pierre (by Kim A. Otis, Esquire), for an order granting a continuance of the proceedings in the above-captioned matter, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court pursuant to Title 18 of the United States Code, Section 3161(c)(1), and as the defendant has consented to such a continuance, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. Plea negotiations are currently in progress, and both the United States and the defendant desire additional time

to negotiate a plea agreement, which would render trial of this matter unnecessary;

2. New counsel was recently appointed for defendant and a continuance is necessary to allow reasonable time for effective preparation;

3. Defendant has consented to the aforementioned continuance; and

4. Pursuant to Title 18 of the United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, on this 5<sup>th</sup> day of ~~October~~ November, 2009, it is ORDERED that the proceedings in the above-captioned matter are continued from November 2, 2009 through December 15, 2009;

IT IS FURTHER ORDERED that the period between November 2, 2009 through December 15, 2009 shall be excludable in computing time under the Speedy Trial Act of 1974;

IT IS FURTHER ORDERED that if the defendant intends to file motions, his motions shall be filed no later than November 18, 2009;

IT IS FURTHER ORDERED that any response by the Government to defendant's motions shall be filed no later than December 2, 2009;

IT IS FURTHER ORDERED that oral argument as to any such motions shall be conducted on a date to be determined by the Court; and

IT IS FURTHER ORDERED that the trial in this matter will commence on December 15, 2009.

  
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HON. FREDA L. WOLFSON  
United States District Judge

Consented and Agreed to by:

  
\_\_\_\_\_  
Harvey Bartle, IV  
Assistant U.S. Attorney

  
\_\_\_\_\_  
Kim A. Otis, Esquire  
Counsel for defendant

  
\_\_\_\_\_  
Dave Silvester Pierre